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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,634	06/18/2001	Jeff Williams	120222.00001	2497

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EXAMINER

DRODGE, JOSEPH W

ART UNIT PAPER NUMBER

1723

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,634

Applicant(s)

WILLIAMS, JEFF

Examiner

Joseph W. Drodge

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Specification does not support the amended claim language directed to the pump being remote from the mop bucket, or clarify what is meant by the term "remote". The instant Specification suggests that the pump and associated inlet hose may either be integral with or within the mop bucket, or a separate structure from the mop bucket, although not "remote" (page 13, lines 15-16 and page 16, lines 1-12). The instant figures are taken only as schematics and do not support claiming of "remote". The claiming of pump being remote from mop bucket in amended claims 1 and 4 thus constitutes "new matter".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-10, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Biggs, both of record.

Nichols discloses operating a mopping operation comprising recirculating and pumping fluid out of and back into mop and mop fluid holding container 12, extracting fluid to the suction side of separate (remote) pump 42 via line 46a, then rerouting the fluid away through line 49a (column 2, lines 38-52).

The claims differ in requiring the container to be a "mop bucket". Biggs teaches such bucket (column 1, lines 29-34; column 5, line 15-column 6, line 8 and column 2, lines 14-30, etc.) while Nichols suggest use of such bucket at column 2, lines 1-7 and 12-15. It would have been obvious to one of ordinary skill in the art to have placed the mop fluid holding container structure in a bucket, as suggested by Biggs, in order to facilitate separation of dirty, used fluid from clean fluid to be utilized for subsequent mopping by supporting the installation of a filter for such separation within the fluid body and to structurally support.

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Regarding claims 2 and 4 drawn to draining, see Biggs at column 4, lines 66-67.

Regarding claims 3, 13 and 15, Nichols at column 2, lines 49-52 and Biggs at column 4, lines 1-2 both discuss filling with new fluid.

Regarding claims 5-7, pump actuation, starting and stopping are disclosed in Nichols at column 2, lines 39-40 and column 3, lines 26-27.

Regarding claims 8 and 9, see Nichols at column 2, lines 64-65 concerning shut-downs and post operations, with filtering of claim 10 disclosed at column 2, lines 49-50.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Biggs as applied to claim 1 above, and further in view of Smith patent 4,815,160.

Claims 11 and 12 require the steps of adding cleaning fluid or sterilizing the fluid put into the mop bucket. Such step is taught by Smith at column 2, lines 59-63 and column 3, lines 54-55. It would have been further obvious to the skilled artisan to have modified the Nichols process by adding a step of adding sanitized fluid or a cleaning fluid solution to the mop bucket, as suggested by Smith, so as to more effectively remove debris from surfaces cleaned, than possible with merely using water as the cleaning fluid, for instance.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Biggs as applied to claim 1 above, and further in view of Kweon of record.

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Claim 14 also differs in requiring the start of mopping operation or fluid circulation to be responsive to a sensed detection. Such automatic operation is taught by Kweon, responsiveness to detected increased level of contaminants, at column 3, lines 13-29. It would have also been obvious to the skilled artisan to have operated the Nichols mopping operation while incorporating the sensing step taught by Kweon, so as to reduce mopping down time to a minimum, cleaning the mop only when necessary.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection. Those arguments will be addressed at any rate to complete the prosecution history.

It is argued that Nichols is not directed to moving water into and out of a mop bucket and is concerned only with a closed loop circulation system. It is submitted that Nichols is directed to a container for holding mop and associated cleaning fluid, although it is unclear whether such container constitutes a "bucket". It is further submitted that the claims as worded, read on either open or closed circulation, so long as fluid is routed away from the mop fluid container/bucket, by some means.

It is also argued that Nichols does not disclose the pump as remote or separate. However, it is submitted that Nichols clearly teach pump and motor being supported by a stand that is separate from the container holding the mopping fluid.

Any inquiries concerning this Office Action or other matters pertaining to prosecution of this application should be directed to Examiner Joseph Drodge at telephone number (571) 272-1140 Monday-Friday between the hours of 8:45 AM and 4:45 PM. The Fax number for the Examining Group is (703) 872-9306.

JWD
January 21, 2004


JOSEPH DRODGE
PRIMARY EXAMINER